THE HON'BLE MRS JUSTICE T.MEENA KUMARI

&

THE HON'BLE MR JUSTICE P.LAKSHMANA REDDY

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WRIT PETITION NO :13330 of 2005

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Dated: 06.09.2005

Between:

1. The Principal Secretary to Government,

Environment, Forest, Science & Technology

(For-IV) dept., Secretariat Buildings,

Hyderabad, and six others .. **Petitioners**

And

1. B. Mangilal Naik, S/o Meetya,

and five others. **.. Respondents**

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WRIT PETITION NO :13330 of 2005

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ORDER: (Per Hon'ble Smt. Justice T. Meena Kumari)

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This writ petition is filed seeking a direction, in the nature of writ of certiorari, to set aside the Order dated 20.3.2002 in O.A.No.506 of 2002 and the order dated

23.2.2005 in review M.A.No.122 of 2003 in O.A.No.506 of 2002 on the file of the A.P. Administrative Tribunal, Hyderabad.

The respondents herein are the applicants and the writ petitioners are the respondents before the Tribunal. For the sake of convenience, the parties are referred to herein as arrayed in the O.A.

The brief facts that led to filing of the O.A. are:

The applicants filed O.A.No.506 of 2002 seeking to declare G.O.Ms.No.88, EFS & T (Forest IV) Department, dated 19.7.2000 issued by the 1st respondent to the extent of proposing to classify the local area as territorial jurisdiction of a Forest Division, as illegal and consequently to direct the respondents to permit the applicants to appear for the interviews to be held from 8.1.2002 to 16.1.2002 and to appoint them if they were successful in the recruitment process.

While observing that as per G.O.Ms.Nos.93 and 88 the respondents are at liberty to restrict the recruitment to the local schedule tribe candidates of the scheduled areas of the local cadre area to which the post is organized into and if the posts of Foresters, Beat Officers and Assistant Beat Officers are District local cadre posts, the Official respondents can, at best restrict the recruitment to District scheduled areas' local tribes, the tribunal has categorically found that the respondents cannot interpret the rules that the local tribe should be a tribe of the locality which lies under the jurisdiction of the Divisional Forest Officer. Aggrieved by the same, the respondents filed a review petition along with a petition to condone the delay in filing the review petition and later they sought permission of the Tribunal to withdraw the same. However, the Tribunal having observed that there are no such powers conferred under section 19 of the Tribunal Act to condone the delay in filing the review petition, dismissed the petition to condone the delay in filing the review petition and rejected the review petition.

The main contention canvassed on behalf of the applicants is that the appointing authority should fill up the posts with the local members of scheduled tribes of the relevant local areas in as much as the posts arise in the Badrachalam Division and hence, the Tribals residing within the territorial jurisdiction of Bhadrachalam Division, shall be appointed.

While relying on G.O.Ms.No:3, dated 10.1.2000 whereunder the scope of

local area is defined, it is contended by the learned G.P. for respondents/writ petitioners that the order of the tribunal is in violation of the rules and contrary to the Article 342 of the Constitution of India and therefore, the order impugned is liable to be set aside.

At this stage, it is brought to the notice of this Court by the learned G.P. appearing on behalf of the respondents/writ petitioners that the Government has issued orders vide memo No:9104, dated 3.1.2004 directing to implement the orders of the tribunal dated 17.12.2003 duly considering the claim of the applicants against the direct recruitment posts meant to be filled by the scheduled tribe candidates in Khammam District immediately to avoid further legal complications.

In view of the above statement that the Government has already taken steps to implement the orders of the Tribunal, without expressing any opinion on the merits of the case, we feel that the order of the Tribunal needs no interference by this Court and accordingly, the present writ petition is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

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Justice T. Meena Kumari

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Justice P. Lakshmana Reddy

Dated: 06.09.2005

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